

# Kushner Law Group, P.L.L.C.

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December 9, 2014

**By ECF and Facsimile – 212-805-7928**

Honorable Michael H. Dolinger  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 11201

Re: United States v. Joanne Simmons; 12-cr-652 (MHD)

Your Honor,

I represent the defendant, Ms. Joanne Simmons in the above-referenced matter. I herewith move for an Order: (1) relieving attorney Michael P. Kushner, Esq. as counsel for the defendant; (2) appointing counsel to the defendant pursuant to the Criminal Justice Act; (3) granting the defendant additional time to complete her interview with the probation department; and, (4) such other and further relief as this Court might deem just and equitable.

Pursuant to the New York Rules of Professional Conduct, "a lawyer shall withdraw from the representation of a client when [ ] the lawyer is discharged" so long as "withdrawal can be accomplished without material adverse effect on the interests of the client", the "client assents to termination", and the Court permits the termination of representation. *See*, Rule 1.16. Because there has been a complete breakdown in communication between Ms. Simmons and myself, and because I have been discharged by Ms. Simmons, this Court should grant the requested relief. I am serving a copy of this letter on Ms. Simmons via fax and first class certified mail, return receipt requested. I thank the Court for its attention to this matter.

Respectfully submitted,



Michael P. Kushner, Esq.

cc: Christine Magdo, Esq., Assistant United States Attorney (Via E-Mail and ECF)  
Michele Greer Bambrick, Senior United States Probation Officer (Via E-Mail)  
Ms. Joanne Simmons (Via Fax and First Class Mail, Certified, RRR)

ENDORSED ORDER

*Application denied. If counsel wishes to withdraw, he is to document the factual basis for this application by affidavit and provide all information required by SDNY Civil Rule 1.4. See S.D.N.Y. Crim. Rule 1.1(b). That application is to be served on defendant within seven days. If counsel needs to provide additional detail, he may do so under seal with a copy to defendant.*

*Confusion  
12/9/14*

12cr652 USA v. Joanne Simmons

Endorsed Order

Application Denied. If counsel wishes to withdraw, he is to document the factual basis for the application by affidavit and provide all information required by SDNY Civil Rule 1:4 See S.D.N.Y crim. Rule 1.1 (b) . That application is to be served on defendant within seven days . If counsel needs to provided additional detail, he may do so under seal with a copy to defendant.